

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DENNIS K. SUDBERRY,

Plaintiff,

v.

ISIDRO BACA et al.,

Defendants.

3:15-cv-13-RCJ-WGC

**ADDENDUM TO
SCREENING ORDER**

I. DISCUSSION

On June 16, 2015, this Court entered a screening order dismissing Plaintiff's complaint in its entirety, without prejudice, with leave to amend. (ECF No. 16 at 6). The Court now provides the legal standard for leave to amend and sets the deadlines for filing an amended complaint.

Plaintiff is granted leave to file an amended complaint to cure the deficiencies of the complaint. If Plaintiff chooses to file an amended complaint he is advised that an amended complaint supersedes the original complaint and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve them for appeal). Plaintiff's amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint on this Court's approved prisoner civil rights form and it must be entitled "First Amended Complaint."

1 The Court notes that if Plaintiff chooses to file an amended complaint curing the
2 deficiencies of his complaint, as outlined in this order, Plaintiff shall file the amended complaint
3 within 30 days from the date of entry of this order. If Plaintiff chooses not to file an amended
4 complaint curing the stated deficiencies, the Court shall dismiss this action without prejudice.

5 **II. CONCLUSION**

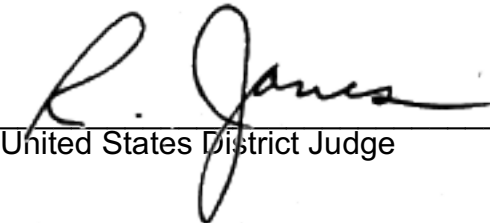
6 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court shall file and
7 docket Plaintiff's complaint (ECF No. 1-1).

8 IT IS FURTHER ORDERED that if Plaintiff chooses to file an amended complaint curing
9 the deficiencies of his complaint, as outlined in this Court's June 16, 2015 screening order,
10 Plaintiff shall file the amended complaint within 30 days from the date of entry of this order.

11 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
12 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
13 original complaint (ECF No. 1-1). If Plaintiff chooses to file an amended complaint, he must
14 use the approved form and he shall write the words "First Amended" above the words "Civil
15 Rights Complaint" in the caption.

16 IT IS FURTHER ORDERED that if Plaintiff fails to file an amended complaint curing the
17 deficiencies outlined in this screening order, this action shall be dismissed without prejudice.

18
19 DATED: This 17th day of June, 2015.

20
21 
22 United States District Judge
23
24
25
26
27
28